

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

DEBORAH TOMPKINS,)
as administrator of the ESTATE OF)
LARRY DUNCAN III,)
)
Plaintiff,)
)
v.) No.: 3:13-CV-558-TAV-CCS
)
TRAVIS HARNESS and)
SCOTT COUNTY, TENNESSEE,)
)
Defendants.)

MEMORANDUM OPINION

This civil matter is before the Court on the Report and Recommendation (“R&R”) entered by United States Magistrate Judge C. Clifford Shirley, Jr. on March 18, 2015 [Doc. 36]. In the R&R, Magistrate Judge Shirley ordered that the motion of plaintiff’s counsel to withdraw from this case with consent of plaintiff [Doc. 30] be granted. Additionally, Magistrate Judge Shirley recommended that the Court grant plaintiff’s oral motion to voluntarily dismiss this case pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, which plaintiff’s counsel made at a hearing before Magistrate Judge Shirley on March 6, 2015 [Doc. 35; Doc. 36]. There have been no timely objections to the R&R, and enough time has passed since the filing of the R&R to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

After a careful review of this matter, the Court is in agreement with Magistrate Judge Shirley’s recommendations, which the Court adopts and incorporates into its

ruling. Accordingly, the Court will **ACCEPT IN WHOLE** the R&R [Doc. 36]. Plaintiff's oral motion to voluntarily dismiss this case will be **GRANTED**, and the case will be **DISMISSED without prejudice**. Fed. R. Civ. P. 41(a)(2).

The Clerk of Court will be **DIRECTED** to close this case. Additionally, the Clerk of Court will be **DIRECTED** to send a copy of this Memorandum Opinion and the order entered contemporaneously with it by certified mail to the address for plaintiff listed in her counsel's affidavit supporting his motion to withdraw [Doc. 31 p. 2]: Deborah Tompkins, 199 Rock Branch Lane, Allardt, Tennessee 38504.

ORDER ACCORDINGLY.

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE